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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,009	02/01/2000	Raymond W. Ellis	21183-P001US	5583
7590	04/15/2004			
Barry S. newberger Winstead Sechrest & Minick P.C. 100 Congress Avenue, Suite 800 Austin, TX 78701			EXAMINER VAUGHN JR, WILLIAM C	
			ART UNIT 2143	PAPER NUMBER 11
DATE MAILED: 04/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/496,009

Applicant(s)

ELLIS ET AL

Examiner

William C. Vaughn, Jr.

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.6.9.10.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. This Action is in regards to the latest papers received on 14 June 2002.

#### *Information Disclosure Statement*

2. The references listed in the Information Disclosure Statement submitted on 22 May 2000, 28 July 2000, 11 January 2002 and 19 June 2002, have been considered by the examiner (see attached PTO-1449).

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Semi E37-0298, High-Speed SECS Message Services (HSMS) Generic Services in view of Semi E30-0299, Generic Model for Communications and Control of Semi Equipment (GEM).

5. Regarding independent claims 1, 15 and 27, (e.g., exemplary independent claim 1), Semi E37-0298 discloses *a tool management method comprising the steps of: receiving a first request via a network [see Semi E37-0298, page 3, section 5] determining a type of said first request using a first predetermined field in a portion of said request [see Semi E37-0298, page 3].*

However, Semi E37-0298 does not explicitly disclose sending a first message to a tool in response to said request and said request type wherein said first message is operable for controlling an action of the tool.

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6. In the same field of endeavor, Semi E30-0299 discloses (e.g., communications and control of Semi Equipment). Semi E30-0299 discloses sending a first message to a tool in response to said request and said request type wherein said first message is operable for controlling an action of the tool [see Semi E30-0299, page 12, section 3.3, page 17, section 4].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art have to incorporated Helm's Semi E30-0299's teachings of communications and control of Semi Equipment with the teachings of Semi E37-0298. By this rationale **claim 1** is rejected.

8. Regarding **claims 2, 16 and 28**, Semi E37-0298-Semi E30-0299 discloses *further comprising the step of determining an identification of a tool object corresponding to said tool using a second predetermined field in said portion of said request* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 2, 16 and 28** are rejected.

9. Regarding **claims 3, 17 and 29**, Semi E37-0298-Semi E30-0299 discloses *wherein tool performs a first action in response to said message* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 3, 17 and 29** are rejected.

10. Regarding **claims 4, 18 and 30**, Semi E37-0298-Semi E30-0299 discloses *wherein said tools return at least one second message associated with said first action, said method further comprising the step of caching said at least one second message* [see Semi E37-0298, page 20, 2<sup>nd</sup> paragraph]. By this rationale **claims 4, 18 and 30** are rejected.

11. Regarding **claim 5, 19 and 31**, Semi E37-0298-Semi E30-0299 discloses *further comprising the steps of: retrieving selected ones of said at least one second message; and generating a response to a second request using said selected ones of said sat least one second*

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*message* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 5, 19 and 31** are rejected.

12. Regarding **claims 6, 20 and 32**, Semi E37-0298-Semi E30-0299 discloses further comprising the step of sending said response to a client system initiating said first and second requests [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 6, 20 and 32** are rejected.

13. Regarding **claims 7 and 14**, Semi E37-0298-Semi E30-0299 discloses *wherein said first request is transferred in accordance with a network transfer protocol, and said network transfer protocol defining a format of said first request* [see Semi E37-0298, page 3]. By this rationale **claims 7 and 14** are rejected.

14. Regarding **claims 8, 21 and 33**, Semi E37-0298-Semi E30-0299 discloses further *comprises the steps of receiving a connection request and opening a connection to a client, said connection being operable for communicating requests and responses to said requests* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 8, 21 and 33** are rejected.

15. Regarding **claims 9, 22 and 34**, Semi E37-0298-Semi E30-0299 discloses *further comprising the step of: receiving a second request, said second request selected from the group consisting of information (INFO) requests, expand requests and edit requests, wherein, in response to each of said information requests, a set of selected data for a tool object* [The Examiner takes Official Notice (see MPEP 2144.03), see also prior art of record, Helm et al., WO 95/34866, page 15, lines 27-29 and Col. 16, lines 1-6] *corresponding to a managed tool is sending to a client, in response to each of said edit requests, a portion operable for user entry of*

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*one or more values for modifying a tool object attribute is generated for sending to said client, and in response to each of said expand requests a set of child object names and relations to a parent object identified in each expand request is generated for sending to said client* [The Examiner takes Official Notice (see MPEP 2144.03)].

16. Regarding **claims 10, 23 and 35**, Semi E37-0298-Semi E30-0299 discloses *wherein said type of said first request denotes an execute request* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 10, 23 and 35** are rejected.

17. Regarding **claims 12, 13, 25, 26, 36-38, 39-44**, the limitations of these claims are all variations of the above rejected claims, and thus are rejected for the same rationale in rejected the above claims.

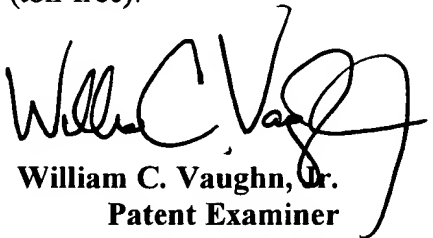
### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**William C. Vaughn, Jr.**  
**Patent Examiner**  
**Art Unit 2143**  
**05 April 2004**